

STATE SOIL CONSERVATION BOARD—APPROPRIATION Ch. 145

Statutes of Texas are inadequate to afford protection to the public generally against such unlawful and unconscionable practices, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days, be suspended, and that this Act take effect from and after its passage, and such Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Passed the Senate, April 2, 1943: Yeas 14, Nays 4, and 3 pairs; passed the House, April 14, 1943: Yeas 70, Nays 51.

Approved April 19, 1943.

Effective 90 days after May 11, 1943, date of adjournment.

STATE SOIL CONSERVATION BOARD—APPROPRIATION

CHAPTER 145

S. B. No. 118

An Act appropriating to the State Soil Conservation Board monies for payment of mileage claims of District Supervisors for the fiscal years ending August 31, 1942, and August 31, 1943, and declaring an emergency.

PREAMBLE

WHEREAS, The State Soil Conservation Act provides that Supervisors may receive compensation for services not to exceed Four (\$4.00) Dollars for each day he shall be in attendance at the regular meetings of the Board of Supervisors, and Five (5¢) Cents per mile for travel each way between the residence of a supervisor and the designated business office of the District Supervisors. Supervisors shall be paid quarterly for their services, and may not receive compensation and mileage for any number of days in excess of five (5) in any three months period.

WHEREAS, In the appropriations to the State Soil Conservation Board for payment of District Supervisors ending the 31st day of August, 1942, the amount of Thirty Thousand (\$30,000.00) Dollars was provided, and, for the year ending the 31st day of August, 1943, the amount of Thirty-six Thousand (\$36,000.00) Dollars was provided. The Thirty Thousand (\$30,000.00) Dollars and the Thirty-six Thousand (\$36,000.00) Dollars appropriation provided sufficient funds with which to pay per diem and mileage of Supervisors as is provided by law, but, being set up under the title of "salaries" in the appropriation bill, in an opinion No. 0-4382, Re: Deficiency Allowance to the State Soil Conservation Board, the Attorney General of the State of Texas held that monies appropriated under the titles of salaries could not be used only in payment of per diem, and no part of which could be used in payment of mileage.

WHEREAS, At the end of the year ending August 31, 1942, the sum of Fifteen Thousand, One Hundred Sixteen (\$15,116.00) Dollars was paid to Supervisors for per diem, leaving an unexpended balance in the appropriation of Thirty Thousand (\$30,000.00) Dollars of Fourteen Thousand, Eight Hundred Eighty Four (\$14,884.00) Dollars. For that period, obligated mileage to Supervisors amounted to approximately Nine Thousand (\$9,000.00) Dollars, which could not be met out of the unexpended balance of Fourteen Thousand, Eight Hundred Eighty Four (\$14,884.00) Dollars under the ruling of the Attorney General. The same condition exists regarding the appropriation of Thirty-six Thousand (\$36,000.00) Dollars provided for the year ending August 31, 1943. In effect, the monies contained in the appropriation for 1942 and 1943 otherwise available for paying mileage to Supervisors, is nullified by the opinion of the Attorney General.

Since the funds provided, which would otherwise be sufficient to pay both per diem and mileage to Supervisors, can be used only in payment of per diem, the balance unused in each case, after the payment of per diem, reverts unused.

THEREFORE, In order to pay the Supervisors provided for in the Soil Conservation law, the mileage equitably due them:

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby appropriated to the State Soil Conservation Board, out of any money in the Treasury not otherwise appropriated, the sum of Eight Thousand, Five Hundred (\$8,500.00) Dollars, to be used to pay mileage claims of District Supervisors for the fiscal year ending August 31, 1942, and the sum of Ten Thousand, Five Hundred (\$10,500.00) Dollars to be used to pay mileage claims of District Supervisors for the fiscal year ending August 31, 1943.

Sec. 2. The fact that the appropriation to the State Soil Conservation Board for the current fiscal biennium omitted a provision for paying mileage of District Supervisors, whereby such District Supervisors have not been able to secure payment of their mileage claims as provided for in the State Soil Conservation Act, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate, February 22, 1943: Yeas 25, Nays 1; passed the

House, April 14, 1943: Yeas 118, Nays 0.

Approved April 19, 1943.

Effective April 19, 1943.

CORPORATIONS BORROWING MONEY—LIMITATION

CHAPTER 146

S. B. No. 124

An Act amending Article 1498 of Revised Civil Statutes of Texas, (1925), so as to remove the Limitation on Borrowing; validating notes and bonds and other evidence of indebtedness and liens securing same heretofore issued by corporations affected by such Article 1498 in excess of the amount of their paid up capital stock; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 1498 of the Revised Civil Statutes of Texas, (1925), be and the same is amended⁵³ hereby so that it shall read hereafter as follows:

"Article 1498. Fiscal Powers.

"Such corporation shall have the right to borrow money, to issue stock and preferred stock, to mortgage its franchises and property to secure the payment of any debt contracted for any purposes of such corporation, and shall possess all the rights and powers of corporations for profit in this state whenever the same may be applicable to corporations of this character."

Sec. 2. No notes, bonds or other evidence of indebtedness heretofore issued by corporations organized under Chapter 15 of Title 32, Revised Civil Statutes of Texas, (1925), nor any mortgages, liens, or indentures

⁵³ Vernon's Ann.Civ.St., art. 1498.